

ERISA LIEN RESOLUTION ATTORNEY CHECKLIST

- Is it really an ERISA plan? ERISA only governs employer-employee plans (not including government or religious employers)
- If it is ERISA, is the plan self-funded or fully ensured? Only self-funded plans get ERISA preemption from state law
- If it is a self-funded ERISA plan, have you done a 1024(b)(4) request to the “plan administrator”
- If the 1024(b)(4) request has been made and there is non-compliance, how much in penalties have accrued for negotiating leverage?
- If you have received plan documents pursuant to the 1024(b)(4) request, do you have the Master Plan Document or just the Summary Plan Description? The Master Plan is the official plan document that governs the rights of the recovery.
- Does the Master Plan language:
 - Reach 1st party coverage?
 - Overcome “made whole”?
 - Overcome “common fund”?

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